IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1010 of 2005.
IN
SECOND APPEAL NO. 579 OF 2005.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri S.A.Sawant for the Applicant.

Shri Anil Borkar for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 20th July, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Application is taken out by the Appellant in the Second Appeal. The grievance made is that the Respondents are executing that part of the decree of the Appellate Court by which the Appellant was directed to pay costs of the Appeal to them. In my view, the amount of costs will have to be deposited by the Appellant. Sufficient time can be granted for deposit of the amount.

2. So far as prayer (b) is concerned, the same cannot be granted as the decree passed in favour of the Appellant by the trial Court has been set aside by the 1st Appellate Court. Hence the Application is disposed of by the following order:

i) Decree directing the Appellant to pay costs will remain stayed, subject to condition of the Appellant depositing the amount of costs in the lower Appellate Court within a period of eight weeks from today. If the amount is deposited, the same will be invested in a fixed deposit with any nationalised bank till final disposal of the Second Appeal. Prayer (b) of the application is rejected.

Judge.